

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED

OCT 26 2010

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

v.

CRIMINAL NO. H-10-258-S

CLARENCE HUDGENS,  
JAMES DAVID WRIGHT,  
CHRISTOPHER HARLESS,  
PATRICK LANIER and  
SIKIRU OLUBUNMI BONOJO,

§ 18 U.S.C. § 1349  
§ 18 U.S.C. § 1343  
§ 18 U.S.C. § 1071  
§ 18 U.S.C. § 3  
§ 18 U.S.C. § 1001(a)(2)

Defendants.

**UN-SEALED PER** *oral motion*  
to unseal granted 11-1-10

**SUPERSEDING INDICTMENT**

THE GRAND JURY CHARGES:

At all times material to this Superseding Indictment:

**Sealed**  
Public and unofficial staff access  
to this instrument are  
prohibited by court order.

**COUNT ONE**

(Conspiracy to Commit Wire Fraud)

**A. INTRODUCTION**

1. Harris Dempsey Ballow was indicted in federal court in Houston, Texas, in 2003 for fraud and money laundering. The charges centered on misrepresentations made in connection with the purchase and sale of stock.

2. Harris Dempsey Ballow pleaded guilty to one count of money laundering in 2003. He was released from custody upon a promise to appear for sentencing. In 2004, instead of appearing for sentencing, Harris Dempsey Ballow fled the United

States. Over the following years, Harris Dempsey Ballow lived under various fake names in Mexico and elsewhere.

3. During his time as a fugitive, Harris Dempsey Ballow continued to be involved in the public securities markets.

4. E-SOL International Corp. (“E-SOL”) was a publicly traded Nevada corporation. E-SOL’s shares were traded on the Over-the-Counter (“OTC”) securities market under the symbol ESIT. E-SOL had a subsidiary called International Country Club Corporation (“ICCC”).

5. Medra Corp. (“Medra”) was a publicly traded Delaware corporation. Medra’s shares were traded on the OTC securities market under the symbol MDRA.

6. Aztec Technology Partners Inc. (“Aztec”) was a publicly traded Delaware corporation. Aztec’s shares were traded on the OTC securities market under the symbol AZTC.

7. Deep Earth Resources Inc. (“Deep Earth”) was a publicly traded Texas corporation. Deep Earth’s shares were traded on the OTC securities market under the symbol DPER.

8. In or about 2005, Harris Dempsey Ballow, using the names John Gel and Melvyn John Gelsthorpe, acquired control over E-SOL. In the following years, Harris Dempsey Ballow and others sold millions of shares of E-SOL stock to unsuspecting investors and also took money from people who thought they were

buying land and ownership interests in a resort development near Cancun, Mexico.

9. In or about 2006, Harris Dempsey Ballow acquired control over Medra. The company's name was later changed to Cabo Catoche Corp.

10. In or about 2008, Harris Dempsey Ballow moved to Puerto Aventuras, Mexico, where he lived in an expensive house facing the Caribbean sea under the name John Gel, Tom Brown or "Bubba", depending on whom he was talking to.

11. In or about 2009, Harris Dempsey Ballow took control of Aztec and Deep Earth. Later, Aztec's name was changed to Ultimate Lifestyles Corporation (symbol UMLS) and Deep Earth's name was to be changed to Powerski Globalsurf Corporation.

12. In or about July, 2009, just days after convincing an investor to wire transfer \$5 million to E-SOL, Harris Dempsey Ballow disappeared from Puerto Aventuras.

13. In or about October, 2009, Harris Dempsey Ballow reappeared near Puerto Vallarta, Mexico, where he lived in a luxurious golf resort under the name Martin Twinley (sometimes written Twynley and other times Twengly) until he was arrested by Mexican federal police on July 13, 2010, and placed in a prison cell in Mexico City to await extradition to the United States.

14. Robin Harless Ballow was Harris Dempsey Ballow's wife. She accompanied him the entire time that he was a fugitive, and she too lived under alias

names.

15. Ruben Garza Perez was a long-time associate of Harris Dempsey Ballow. After Ballow fled the United States, Ruben Garza Perez managed many of Ballow's financial affairs, and also followed him around Central America and Mexico.

16. Defendant **CHRISTOPHER HARLESS** was Robin Harless Ballow's brother and, thus, Harris Dempsey Ballow's brother-in-law. Defendant HARLESS worked for Harris Dempsey Ballow for many years and moved to Mexico in 2008 to join him.

17. Defendant **PATRICK LANIER** was Harris Dempsey Ballow's lawyer. Defendant LANIER represented Harris Dempsey Ballow during part of the criminal case that led to Ballow becoming a fugitive. Defendant LANIER also represented Ballow in proceedings before the Securities and Exchange Commission in 2004. After Ballow fled the United States, defendant LANIER remained in touch with him and also served as a lawyer for E-SOL.

18. Defendant **JAMES DAVID WRIGHT**, who described himself as a preacher, was a friend of Harris Dempsey Ballow for many years. Defendant WRIGHT became the Chief Executive Officer of E-SOL in or around 2009.

19. Defendant **SIKIRU OLUBUNMI BONOJO**, also known as "Tony", met Harris Dempsey Ballow in prison in 2003. After Ballow fled the United States, defendant SIKIRU OLUBUNMI BONOJO received hundreds of thousands of dollars

from Ballow and distributed some of it in cash to Ballow's relatives in Texas.

20. Kelly Lyn Boothe became the President of E-SOL in 2005. Kelly Lyn Boothe continued to associate with Ballow until Ballow was arrested in 2010.

21. Jeffrey Janssen Anuth began associating with Harris Dempsey Ballow in or around 2007. Jeffrey Janssen Anuth became a Vice President of E-SOL and President of Medra.

22. Defendant **CLARENCE HUDGENS** began working with Harris Dempsey Ballow in or around 2007. Defendant HUDGENS also became President of E-SOL.

**B. THE CONSPIRACY**

23. From in or about 2004, through July 13, 2010, in the Southern District of Texas and elsewhere, the defendants,

**CLARENCE HUDGENS,  
JAMES DAVID WRIGHT,  
CHRISTOPHER HARLESS,  
PATRICK LANIER and  
SIKIRU OLUBUNMI BONOJO,**

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate and agree with each other and others, known and unknown to the Grand Jury, to commit an offense against the United States, that is: to devise and intend to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses,

representations and promises, knowing that they were false and fraudulent when made, and transmitting and causing to be transmitted certain wire communications in interstate and foreign commerce, for the purpose of executing the scheme, in violation of Title 18, United States Code, Section 1343.

**C. PURPOSE OF THE CONSPIRACY**

24. It was a purpose of the conspiracy that the defendants and their co-conspirators would enrich themselves through the activities of public corporations controlled by Harris Dempsey Ballow.

**D. MANNER AND MEANS OF THE CONSPIRACY**

25. The defendants and their co-conspirators sought to accomplish the purpose of the conspiracy by the following manner and means, among other things:

- a. selling shares of stock in public companies that were controlled by Harris Dempsey Ballow to unsuspecting investors;
- b. hiding Harris Dempsey Ballow's true identity, his use of multiple names, his past convictions for fraud and money laundering and his status as a fugitive from justice in the United States;
- c. disseminating false and misleading information in an effort to increase and maintain the value of the stock;
- d. failing to fulfill promises to remove restrictions that prevented investors from selling the stock; and

e. selling land and ownership interests in a real estate development that never materialized.

**E. OVERT ACTS**

26. On or about the dates specified below, in furtherance of the conspiracy and to achieve the purpose thereof, the defendants and their co-conspirators, in the Southern District of Texas and elsewhere, committed and caused to be committed at least one of the following overt acts, among others:

1. Dec. 16, 2004 - July 13, 2010 Robin Harless Ballow lived with Harris Dempsey Ballow, providing him comfort and assistance and concealing his true identity from investors and law enforcement authorities.
2. July 27, 2005 Harris Dempsey Ballow helped to incorporate a company in the Commonwealth of Dominica called Abretch Elite Corp.
3. Nov. 2, 2005 Kelly Lyn Boothe forwarded an email describing free membership “in the private International Country Club”.
4. Dec. 1, 2005 Ruben Garza Perez emailed an application for Abretch Elite Corp. (a Dominican company that Harris Dempsey Ballow controlled) to open an account at Penson Financial Services.
5. Dec. 8, 2005 Harris Dempsey Ballow sent an email about a promotional campaign for E-SOL.
6. Dec. 19, 2005 Ruben Garza Perez emailed to Penson Financial Services a copy of fake British passports for Harris Dempsey Ballow (in the name of Melvyn John Gelsthorpe) and Robin Harless Ballow (in the name of Lorraine Barrowcliffe).

7. May 9, 2006 Harris Dempsey Ballow sent an email approving E-SOL's First Quarter 2006 financial statement.
8. June 27, 2006 Defendant SIKIRU OLUBUNMI BONOJO caused an email to be sent to Ruben Garza Perez regarding an "IRREVOCABLE STOCK POWER" to transfer and assign stock.
9. June 29, 2006 Ruben Garza Perez emailed instructions for a stock transfer agent to ship an E-SOL stock certificate issued in Melvin J. Gelsthorpe's name to an address in Cancun, Mexico, and attached a document with a fake signature.
10. July 7, 2006 Ruben Garza Perez emailed instructions for E-SOL to wire transfer \$4,500 from Wells Fargo Bank, N.A., in Reno, Nevada, to an account belonging to defendant SIKIRU OLUBUNMI BONOJO's wife at Woodforest National Bank in Missouri City, in the Southern District of Texas.
11. Aug. 28, 2006 Ruben Garza Perez sent an email to defendant PATRICK LANIER about taking control of E-SOL paperwork.
12. Sep. 1, 2006 Harris Dempsey Ballow gave instructions for shares of Medra stock to be issued to Abretch Elite Corp.
13. Nov. 21, 2006 Defendant PATRICK LANIER emailed a draft marketing agreement to Ruben Garza Perez.
14. Jan. 12, 2007 Ruben Garza Perez sent an email to a lawyer in Houston, Texas, and attached a draft contract for a Mexican subsidiary of ICCC to purchase real estate in Quintana Roo, Mexico, known as the Santa Maria ranch.
15. March 13, 2007 Jeffrey Janssen Anuth sent an email to Harris Dempsey Ballow that stated: "Take a look at Scooters version". Attached to the email was a draft of a letter by the Governor of Quintana Roo, Mexico.
16. March 21, 2007 Defendant PATRICK LANIER emailed a draft "property reservation letter" to Harris Dempsey Ballow. The draft



- letter confirmed investors' intention to purchase lots in a real estate development called "Monarch Cancun" that was purportedly to be built by ICCC.
17. May 3, 2007 Defendant PATRICK LANIER emailed to Harris Dempsey Ballow a draft corporate resolution of Medra.
  18. July 5, 2007 Ruben Garza Perez sent an email to Harris Dempsey Ballow that listed the cash balances in bank and brokerage accounts controlled by Ballow and that explained the purposes of the accounts with statements such as: "Support both stocks money comes from abretch in Scand Bank in Panama".
  19. July 10, 2007 Defendant PATRICK LANIER emailed a news article to Harris Dempsey Ballow that stated in part: "... Federal agents do not need a search warrant to find out the Web page addresses people visit or the e-mail addresses they correspond with ..."
  20. July 30, 2007 Jeffrey Janssen Anuth sent an email to Harris Dempsey Ballow that stated: "Attached you'll find the deal points and representations made by the parties in some of the deals that we have on the table." Seven attachments described deals to buy land in return for ESOL stock.
  21. Sep. 21, 2007 Defendant PATRICK LANIER sent an email to Harris Dempsey Ballow citing a news article that stated in part: "The SEC has closed the book on three fraudsters involved in a complex and far-reaching stock manipulation scam masterminded by the Texas felon, Harris 'Butch' Ballow."
  22. Oct. 8, 2007 Defendant PATRICK LANIER sent an email to Harris Dempsey Ballow stating "hope you are doing better there—", to which Ballow responded: "STILL SWINGING WITH BOTH FIST. IT GOING TO HAPPEN. THANKS, JOHN"
  23. Nov. 9, 2007 Defendant PATRICK LANIER sent an email to Harris Dempsey Ballow that stated in part: "... still sucking gas up here, how about you-?", to which Ballow responded: "HEY

BOSS, STILL LIVE AND KICKIN. I AM SO CLOSE I AM BURNING MY FINGERS. ... GOT ALL BALLS IN THE AIR. JOHN”

24. Nov. 11, 2007 Defendant PATRICK LANIER sent an email to Harris Dempsey Ballow citing a news article stating that Mexico had ordered the extradition of a former state governor to the United States to be tried on drug-smuggling charges.
25. Jan. 29, 2008 Defendant PATRICK LANIER emailed to Harris Dempsey Ballow a draft Medra resolution to be signed by “Lorraine Barrowcliff”, an alias name for Robin Harless Ballow.
26. April 18, 2008 Defendant PATRICK LANIER sent an email to Harris Dempsey Ballow with a link to a FBI website showing Harris Dempsey Ballow on a Wanted List.
27. May 2, 2008 Ruben Garza Perez instructed Atlantic International Bank in Belize to wire transfer \$500,000.
28. May 16, 2008 Robin Harless Ballow sent an email calling herself “Cissy” and referring to Harris Dempsey Ballow as “John”.
29. May 21, 2008 Defendant CLARENCE HUDGENS met with real estate agents following a seminar in which he trained them how to get people to invest in ICC.
30. June 3, 2008 Ruben Garza Perez sent an email to an investor in Switzerland stating in part: “... at this stage of the game we are very close to make the bussines work very successfully ...”
31. June 6, 2008 Kelly Lyn Boothe sent an email to Harris Dempsey Ballow that stated in part: “... i know you're thinking about how best to utilize me and i am too. at a minimum, i'll go wherever and do whatever needs to be done ... i've always figured that i would go anywhere you couldn't go and do whatever you were unable to do in person...as your trusted proxy, so to speak; wherever and whatever.”

32. June 23, 2008 After being informed by a FBI agent in Cancun, Mexico, that the FBI was searching for John Gel, that Gel was in trouble with the law, and that Gel's real name was Ballow, Jeffrey Janssen Anuth told the agent that he would call the FBI if he got ahold of Ballow.
33. July 4, 2008 Kelly Lyn Boothe sent an email to Harris Dempsey Ballow that stated in part: "... scooter informed me of his promotion and alluded to the fact that he was the only 'clean' one. ..."
34. Aug. 16, 2008 Kelly Lyn Boothe sent an email to Harris Dempsey Ballow that stated in part: "... i don't quite know what that plan is right now, but please note the following; i pretty much listen and learn from you as much as i can. i defer to your experience and watch you do your thing. i understand that you have a lot to teach and i'm a willing pupil, hoping to soak up as much of you as possible. ... you've never really seen me in action because we've never got to that point. i'm the one you've been looking for. i'm the one you've been waiting for. i'm the one smart enough and tough enough to go and do what you can't. i'm the one who can be trusted enough to take it to the next level. someday, i'll take the torch and continue on with what you have started"; to which Ballow responded: "GOOD, LET'S GET STARTED. WE ARE FIXEN TO SELL SOME 144 STOCK. THANKS."
35. Aug. 27, 2008 Harris Dempsey Ballow began making arrangements to purchase a majority of the stock of Aztec.
36. Dec. 2, 2008 Ruben Garza Perez sent an email to Harris Dempsey Ballow telling him the password for an email account set up for Tom Brown, a Ballow alias.
37. Dec. 4, 2008 Defendant CHRISTOPHER HARLESS sent an email to Ruben Garza Perez requesting airline tickets for defendant HARLESS's wife, parents and two daughters to fly round trip from Houston, Texas, to Cancun, Mexico. The email stated in part: "I don't know if Marily knows about our

names, if she does, be sure she does not let Karla know..."

- 38. Dec. 18, 2008 Harris Dempsey Ballow caused a stock transfer agent to ship an E-SOL stock certificate to an address in Houston, Texas.
- 39. Dec. 26, 2008 Defendant CHRISTOPHER HARLESS emailed a draft "webinar" script to Harris Dempsey Ballow. The script offered investors a "no risk" opportunity to make a 3-5 time return by purchasing shares in condominiums in Puerto Aventuras, Mexico, or "a gated resort city named Monarch Cancun which is being built now. ..."
- 40. April 20, 2009 Defendant SIKIRU OLUBUNMI BONOJO flew from Houston, Texas, to Cancun, Mexico, where he met with Harris Dempsey Ballow, Robin Harless Ballow and Ruben Garza Perez, defendant CHRISTOPHER HARLESS, defendant JAMES DAVID WRIGHT and others.
- 41. May 20, 2009 Defendant CHRISTOPHER HARLESS flew from Houston, Texas, to Cancun, Mexico.
- 42. May 28, 2009 Defendant PATRICK LANIER sent an email to Harris Dempsey Ballow. The subject line stated: "no improvement this end". The email read: "thought things were going to turn this week, but big no go for me---assume your relief is similarly situated----but hope the other info sent a week ago was some help--".
- 43. May 29, 2009 Defendant CHRISTOPHER HARLESS created a video for YouTube, titled "ICCC Condo Testimonial", in which he identified himself as Chris Harris.
- 44. June 29, 2009 Defendant PATRICK LANIER sent an email to Harris Dempsey Ballow that cited an article mentioning Ballow in the Houston Chronicle.
- 45. July 1, 2009 Defendant PATRICK LANIER sent an email to Harris Dempsey Ballow that described a status hearing held by United States District Judge David Hittner on April 13,

2009, in Crim. No. H-02-729-S, entitled *United States v. Harris Dempsey Ballow*, and identified two federal prosecutors and a private investigator who were present at the hearing.

46. July 1, 2009 Defendant CLARENCE HUDGENS emailed wire transfer instructions to an investor in response to an email the investor had sent to defendant HUDGENS and "Tom".
47. July 14, 2009 Kelly Lyn Boothe described investment opportunities in E-SOL to a private investigator who was posing as a potential investor, and Boothe identified E-SOL's major shareholder as "John".
48. July 14, 2009 Defendant CHRISTOPHER HARLESS emailed to defendant SIKIRU OLUBUNMI BONOJO a photograph of the private investigator who met with Kelly Lyn Boothe.
49. July 14, 2009 Defendant CHRISTOPHER HARLESS emailed the photograph of the private investigator to defendant PATRICK LANIER.
50. July 14, 2009 Defendant PATRICK LANIER sent an email to Harris Dempsey Ballow. The subject line stated: "from my view". The email read: "it was a bit dark but first impression is that it looks like him---can't be sure but close enough to avoid-----will check on other names in a short--"
51. July 14, 2009 Defendant PATRICK LANIER sent an email to Harris Dempsey Ballow. The email contained an excerpt from an internet blog describing the private investigator's efforts to locate Harris Dempsey Ballow and secure his arrest by the FBI.
52. July 16, 2009 Defendant CHRISTOPHER HARLESS emailed a "sales report" to defendant JAMES DAVID WRIGHT. The report listed persons who had scheduled appointments with ICCC on July 17, 2009, and July 20, 2009.
53. July 17, 2009 Defendant CLARENCE HUDGENS forwarded to Harris

- Dempsey Ballow and Ruben Garza Perez an email stating that an investor had wire transferred \$5 million to E-SOL.
54. July 19, 2009 Defendant CHRISTOPHER HARLESS emailed the photograph of the private investigator to Kelly Lyn Boothe.
  55. July 19, 2009 Defendant CHRISTOPHER HARLESS sent an email to Harris Dempsey Ballow attaching a proposed advertisement by E-SOL for sales managers.
  56. July 22, 2009 Defendant CHRISTOPHER HARLESS emailed the same proposed advertisement to Kelly Lyn Boothe.
  57. Aug. 3, 2009 Defendant JAMES DAVID WRIGHT signed E-SOL's 2<sup>nd</sup> Quarter 2009 financial statements.
  58. Aug. 4, 2009 Harris Dempsey Ballow sent an email instructing E-SOL's accountant to list defendant JAMES DAVID WRIGHT as E-SOL's Chief Executive Officer on a financial statement to be posted on the internet.
  59. Aug. 6, 2009 Defendant CLARENCE HUDGENS told a FBI Agent and Deputy U.S. Marshal in Mexico that he knew Harris Dempsey Ballow as "John" and that the only way he could make contact with John was when John called from unknown numbers. When shown a copy of Ballow's arrest warrant and asked to cooperate, defendant HUDGENS said he would think about it.
  60. Aug. 12, 2009 Defendant PATRICK LANIER sent an email to Harris Dempsey Ballow. The subject line stated: "wild shot in dark". A photograph attached to the email showed the acting U.S. Attorney for the Southern District of Texas and officials from six law enforcement agencies during a press conference relating to Mexico.
  61. Aug. 13, 2009 Harris Dempsey Ballow emailed the photograph of the U.S. Attorney and law enforcement officials to Kelly Lyn Boothe.

62. Aug. 14, 2009 Defendant CLARENCE HUDGENS flew from the Portland, Oregon, via Los Angeles, to Cancun, Mexico.
63. Aug. 19, 2009 Harris Dempsey Ballow began making arrangements to purchase a majority of the stock of Deep Earth.
64. Aug. 19, 2009 Defendant PATRICK LANIER sent an email to Harris Dempsey Ballow containing a link to a FBI Law Enforcement Bulletin article on extraditions from Mexico.
65. Aug. 27, 2009 Defendant JAMES DAVID WRIGHT spoke to a group of real estate agents in Mexico.
66. Aug. 27, 2009 Defendant CLARENCE HUDGENS accompanied a group of real estate agents on a visit to E-SOL's "ranch" near Cancun, Mexico.
67. Sep. 4, 2009 Defendant JAMES DAVID WRIGHT claimed not to know Harris Dempsey Ballow when shown a photograph of him by two Deputy U.S. Marshals.
68. Sep. 30, 2009 Ruben Garza Perez sent an email with a proposed contract for Harris Dempsey Ballow to rent a house on a golf course in Nuevo Vallarta under the name Martin Twinley.
69. Oct. 19, 2009 Jeffrey Janssen Anuth sent an email to an investor that referred to Harris Dempsey Ballow as "Tom".
70. Oct. 20, 2009 Defendant CLARENCE HUDGENS sent an email to an investor that failed to reveal defendant HUDGENS knew that "Tom" was really Harris Dempsey Ballow.
71. Nov. 9, 2009 Defendant JAMES DAVID WRIGHT signed E-SOL's 3<sup>rd</sup> Quarter 2009 financial statements.
72. Jan. 30, 2010 Defendant CLARENCE HUDGENS sent an email to an investor that failed to reveal defendant HUDGENS knew "Bubba" was really Harris Dempsey Ballow.
73. Feb. 2, 2010 Kelly Lyn Boothe and defendant PATRICK LANIER

accompanied Harris Dempsey Ballow (pretending to be Martin Twinley) on a boat ride off the coast of Puerto Vallarta, Mexico.

74. Feb. 3, 2010 Jeffrey Janssen Anuth sent an email to an investor in which Jeffrey Janssen Anuth referred to Harris Dempsey Ballow as "Tom".
75. Feb. 5, 2010 Kelly Lyn Boothe emailed a certificate to Harris Dempsey Ballow that was notarized even though it was unsigned.
76. Feb. 23, 2010 Jeffrey Janssen Anuth spoke to a group of investors in Medra.
77. Feb. 25, 2010 Defendant CHRISTOPHER HARLESS sent an email to Ruben Garza Perez identifying himself as "Chris Harris, Dir. of Operations, Puerto Aventuras"
78. March 12, 2010 Defendant SIKIRU OLUBUNMI BONOJO withdrew \$2,500 in cash from Trustmark Bank in the Southern District of Texas.
79. March 22, 2010 Jeffrey Janssen Anuth forwarded to Harris Dempsey Ballow and Ruben Garza Perez an email from an investor and asked "What should we do with this".
80. March 26, 2010 Jeffrey Janssen Anuth told an investor in an email that "Tom is going to be in touch with you".
81. April 18, 2010 Jeffrey Janssen Anuth sent an email to an investor that stated: "... Tom says he tried the 512 number but will call you this weekend without fail."
82. April 27, 2010 Defendant CHRISTOPHER HARLESS told an investor over the telephone that "Now would actually be a great time" to purchase E-SOL stock.
83. April 29, 2010 Jeffrey Janssen Anuth sent an email to Ruben Garza Perez asking to be reimbursed for, among other items, a radar chip that he purchased for Harris Dempsey Ballow.



84. May 1, 2010 Defendant JAMES DAVID WRIGHT emailed family photographs to Robin Harless Ballow.
85. May 5, 2010 Jeffrey Janssen Anuth sent an email to Ruben Garza Perez about a contract to purchase real estate.
86. May 5, 2010 Harris Dempsey Ballow, as Martin Twinley, sent an email about arrangements to purchase a hotel in Puerto Vallarta in return for Aztec/Ultimate Lifestyles stock.
87. May 6, 2010 Defendant SIKIRU OLUBUNMI BONOJO called Harris Dempsey Ballow's telephone number and left a message.
88. May 10, 2010 Defendant JAMES DAVID WRIGHT signed E-SOL's 1<sup>st</sup> Quarter 2010 financial statements.
89. May 16, 2010 Harris Dempsey Ballow emailed a copy of a grand jury subpoena and a document listing the names of a Deputy U.S. Marshal, a FBI Agent, a federal prosecutor and a private investigator who were searching for Harris Dempsey Ballow.
90. May 19, 2010 Kelly Lyn Boothe sent an email to an investor that referred to Harris Dempsey Ballow as "my associate, marty".
91. June 8, 2010 Ruben Garza Perez sent an email to Harris Dempsey Ballow listing expenses that needed to be paid.
92. June 21, 2010 Defendant JAMES DAVID WRIGHT visited Harris Dempsey Ballow at his home where he was living as Martin Twinley in Nuevo Vallarta, Mexico.
93. July 1, 2010 Defendant JAMES DAVID WRIGHT told an investor that he did not know where Harris Dempsey Ballow was living.
94. July 5, 2010 Defendant JAMES DAVID WRIGHT visited Harris Dempsey Ballow at his home where he was living as Martin Twinley in Nuevo Vallarta, Mexico.
95. July 13, 2010 Harris Dempsey Ballow, as he was being arrested in

Mexico, yelled out to Robin Harless Ballow “Call Tony”.

In violation of Title 18, United States Code, Section 1349.

**COUNTS TWO-FIVE**  
(Wire Fraud)

**A. INTRODUCTION**

1. Paragraphs 1 through 22 and 26 of Count One of this Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

**B. THE SCHEME TO DEFRAUD**

2. From in or about 2004 through July 13, 2010, in the Southern District of Texas and elsewhere, the defendants,

**CLARENCE HUDGENS,  
JAMES DAVID WRIGHT,  
CHRISTOPHER HARLESS,  
PATRICK LANIER and  
SIKIRU OLUBUNMI BONOJO,**

aided and abetted by others known and unknown to the Grand Jury, did knowingly devise and intend to devise a scheme and artifice to defraud and for obtaining money and property by means of material false and fraudulent pretenses, representations and promises.

**C. THE MANNER AND MEANS OF THE SCHEME**

3. Paragraph 25 of Count One of this Superseding Indictment is re-alleged and incorporated by reference herein as a description of the scheme and artifice.

**D. THE EXECUTION OF THE SCHEME**

4. On or about the dates specified below, the defendants, for the purpose of executing the aforesaid scheme and artifice to defraud, and attempting to do so, did knowingly transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures and sounds, as more particularly described below:

<u>Count</u>	<u>Date</u>	<u>Description</u>
2	7/1/09	Wire transfer instructions emailed to an investor
3	7/17/09	\$5,000,000 wire transferred from Fidelity Investments in The Woodlands, Texas, in the Southern District of Texas, to Wells Fargo Bank N.A. in Reno, Nevada
4	10/19/09	Email sent to an investor that referred to Harris Dempsey Ballow as "Tom"
5	11/9/09	The signature page for E-SOL's 3 <sup>rd</sup> Quarter 2009 financial statements emailed to E-SOL's accountant

In violation of Title 18, United States Code, Sections 1343 and 2.

**COUNT SIX**

(Harboring and Concealing Person from Arrest)

**A. INTRODUCTION**

1. Paragraphs 1 through 22 and 26 of Count One of this Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

**B. THE HARBORING**

2. From in or about 2004, through July 13, 2010, in the Southern District of Texas and elsewhere, the defendants,

**CLARENCE HUDGENS,  
JAMES DAVID WRIGHT,  
CHRISTOPHER HARLESS,  
PATRICK LANIER and  
SIKIRU OLUBUNMI BONOJO,**

did harbor and conceal a person, Harris Dempsey Ballow, for whose arrest a warrant had been issued under the provisions of a law of the United States, so as to prevent Harris Dempsey Ballow's discovery and arrest, after notice and knowledge of the fact that a warrant had been issued for his apprehension.

In violation of Title 18, United States Code, Section 1071.

**COUNT SEVEN**  
(Assisting Federal Offender)

**A. INTRODUCTION**

1. Paragraphs 1 through 22 and 26 of Count One of this Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

**B. THE ASSISTANCE**

2. From in or about 2004, through July 13, 2010, in the Southern District of Texas and elsewhere, the defendants,

**CLARENCE HUDGENS,**

**JAMES DAVID WRIGHT,  
CHRISTOPHER HARLESS,  
PATRICK LANIER and  
SIKIRU OLUBUNMI BONOJO,**

knowing that an offense against the United States had been committed, to wit: unlawful flight to avoid prosecution, did receive, relieve, comfort and assist the offender, Harris Dempsey Ballow, in order to hinder and prevent Harris Dempsey Ballow's apprehension.

In violation of Title 18, United States Code, Section 3.

**COUNT EIGHT**  
(False Statement)

On or about August 6, 2009, in the Southern District of Texas and elsewhere, in a matter within the jurisdiction of the executive branch of the Government of the United States, that is, the United States Marshals Service, defendant **CLARENCE HUDGENS** knowingly and willfully made and caused to be made material false, fictitious, and fraudulent statements and representations, that is, when he was shown a photograph of the fugitive Harris Dempsey Ballow by a Deputy United States Marshal, HUDGENS falsely stated that he knew the person in the photograph as "John" and that the only way he could make contact with John was when John called from unknown numbers.

All in violation of Title 18, United States Code, Section 1001(a)(2).

**COUNT NINE**  
(False Statement)

On or about September 4, 2009, in the Southern District of Texas and elsewhere, in a matter within the jurisdiction of the executive branch of the Government of the United States, that is, the United States Marshals Service, defendant **JAMES DAVID WRIGHT** knowingly and willfully made and caused to be made material false, fictitious, and fraudulent statements and representations, that is, when he was shown a photograph of the fugitive Harris Dempsey Ballow by a Deputy United States Marshal and asked if he knew the person in the photograph, **WRIGHT** indicated that he did not know the person.

All in violation of Title 18, United States Code, Section 1001(a)(2).

**A TRUE BILL:**

ORIGINAL SIGNATURE ON FILE  
FOREPERSON OF THE GRAND JURY

José Angel Moreno  
United States Attorney

By:

  
JOHN R. LEWIS  
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